

REPORT OF INVESTIGATION

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1. Program Code	2. Cross File <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Related Files	3. File No. [REDACTED]	4. G-DEP Identifier [REDACTED]
5. By: SA Damian P. Farley At: Boston, MA			6. File Title [REDACTED]	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:			8. Date Prepared 05/21/04	
9. Other Officers: SA Jean Drouin, TFA Picardi				
10. Report Re: Post Arrest Statements of Anthony Bucci on May 20, 2004				

DETAILS

1. On May 20, 2004, Anthony Bucci was arrested by DEA for conspiracy to distribute cocaine. Bucci was read his Miranda warnings and transported to the DEA Boston Field Division for processing.
2. During processing, Bucci was read his rights again and said he understood them. Bucci agreed to speak with SA Drouin and SA Farley regarding the charges he was arrested on. Bucci stated he did not know why he was arrested. Bucci said he was a user of cocaine and had recently been on a 3 day binge using cocaine and oxycontin. Bucci said he was fully aware of what was going on and he not under the influence at this time.
3. SA Drouin explained to Bucci on December 24, 2003, at the Malden Hospital parking lot, DEA surveillance observed Bucci steal 3 kilograms of cocaine from Carlos Ruiz. Bucci denied that he stole the cocaine. Bucci said he was asked by some one to participate in the rip off but he did not do it, instead he arranged a third party to help the person who asked him. Bucci said he did not rip off anyone. Bucci was asked who the person was that asked him to rip off the Ruiz but he declined to answer that question. Bucci was asked who the third party was he told about the rip off and Bucci declined to answer.

11. Distribution: Division	12. Signature (Agent) <i>DP Farley</i>	13. Date 5-24-04
District	14. Approved (Name and Title) Robert H. Robertson, Jr. Group Supervisor	15. Date 5-24-04
Other		

DEA Form - 6
(Jul. 1996)DEA SENSITIVE
Drug Enforcement Administration

1 - Prosecutor

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EXHIBIT C

REPORT OF INVESTIGATION

(Continuation)

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4. Bucci stated that he was innocent and would go to trial on the charges.

INDEXING

1. Bucci, Anthony [REDACTED]

2. [REDACTED]

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9 those motions, having concentrated on the motion before me
10 today. And so I'll promptly get back to you.

11 Are there any speedy trial problems here?

12 MR. MCNEIL: Because there are motions still
13 pending, and if the Court were to hold a hearing on the motions
14 for severance, there's not an issue.

15 THE COURT: Okay. All right. Let me get back to
16 you promptly.

17 MR. MCNEIL: Thank you.

18 THE COURT: Thank you.

19 MR. NATOLA: Thank you, your Honor.

20 (Discussion off the record.)

21 THE COURT: There is one other thing before you all
22 leave. There is one other thing I intended to say.

23 Mr. McNeil, it's to you. I have a musing. Because
24 what -- I saw your brief having to do with the caretaking
25 function. Your argument about the caretaking function was that

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1 the officers, when they showed up to arrest Mr. Bucci and
2 Mrs. Bucci came out, they weren't -- they had doubts in their
3 mind -- they had some question about whether that person who
4 identified herself as Mrs. Bucci was, in fact, Mrs. Bucci and
5 that they would have to take some time to figure out who she
6 was. That's what you say to me in your paper; isn't that
7 right?

8 MR. MCNEIL: The government essentially says, your
9 Honor, that -- it's actually the inverse. It says the officers
10 were not obligated under the particular circumstances that they
11 were presented with at that situation to ensure that, in fact,
12 this was Mrs. Bucci and to ensure that, in fact, she had
13 authority to take the car. They -- that was essentially the

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14 government's argument; there was no obligation to do that.

15 THE COURT: My musing on that, the evidence I heard
16 was that there was no doubt as to who that woman was; that they
17 had previously seen her photograph, her driver's license and a
18 picture, knew who she was, and not only knew who she was, knew
19 what car she drove, the white Hyundai, I believe it was.

20 So I was a little concerned about how that episode
21 was described in your papers on the basis of what I heard from
22 not one, but both of these officers, but particularly Agent
23 Hersey, who said I knew who she was, I handed her the baby.
24 Just a musing.

25 Anything you want to say about that?

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1 MR. MCNEIL: I say two things, your Honor.

2 The first -- I do this in all my motions, I put a
3 footnote during the beginning, the evidence during the hearing
4 is sometimes different from the evidence you gather when you're
5 writing a motion, which happens in this case five months
6 before. So this was written sometime ago. You learn things
7 when you're preparing witnesses before the hearing, give you
8 greater detail, greater confidence in what exactly the evidence
9 is. So the government says I relied primarily on the evidence
10 that's elicited at the hearing and not what's summarized in the
11 motion.

12 When you have --

13 THE COURT: If I had relied on that, I would have
14 had a totally different version of the facts.

15 MR. MCNEIL: The reason why I put that footnote in
16 there, because if we're going to have an evidentiary hearing,
17 you can't rely on the statement of facts. That's simply
18 provided so that the Court has some information prior to the

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19 hearing.

20 Information -- there was some sense from Mr. Hersey
21 that I learned in the last week or so that he had a pretty good
22 idea that this was Mrs. Bucci; but that still, I don't think,
23 undercuts necessarily the government's argument.

24 In this case you have a fast-moving situation with
25 four arrests in a single day. They were very concerned that

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1 they wanted to get the car and the person out of that location
2 and it was not -- there is no obligation on the part of those
3 officers to take the time and make sure that this was the right
4 person and she had proper authority --

5 THE COURT: Let me just say this. When the officer
6 said he was prepared -- the agent said he was prepared to give
7 this woman the baby, you know, it seemed to me there's no doubt
8 that he knew who she was. He was going to give her a baby. I
9 just wanted to point that out. It's a little -- I just have a
10 little concern about that, because they seemed to have no doubt
11 of who that person was.

12 That's all I want to say.

13 Thank you.

14 MR. MCNEIL: Thank you, your Honor.

15 (Court adjourned at 1:19 p.m.)

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17 CERTIFICATION

18 I certify that the foregoing is a correct
19 transcript of the record of proceedings in the above-entitled
20 matter to the best of my skill and ability.

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